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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 UNITED STATES OF AMERICA,
12 Plaintiff/Respondent,
13 v.
14 ANDRES CHAVEZ-CHAVEZ (1),
15 Defendant/Petitioner .

CASE NO. 07CR1408 WQH
ORDER

16 HAYES, Judge:

17 This matter before the Court is the motion for modification of term of
18 imprisonment pursuant to 18 U.S.C. § 3582(c) filed by the Defendant Andres Chavez-
19 Chavez. (ECF No. 888).

20 **BACKGROUND**

21 On August 18, 2009, the Court sentenced the Defendant to serve a term of
22 imprisonment of 210 months for conspiracy methamphetamine in violation of 21 U.S.C.
23 § 841(a)(1) and 846. (ECF No. 660).

24 On October 20, 2015, the Court entered an order denying Defendant's motion for
25 reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) Guideline Amendment 782
26 on the grounds that "the record established that the sentence imposed was base upon an
27 amount of controlled substance that was not affected by Amendment 782." (ECF No.
28 807).

1 On January 25, 2018, this Court entered an order denying Defendant's motion
2 for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) on the grounds that no
3 legal authority permits modification of the sentence imposed. (ECF No. 861).

4 Defendant moves the Court to modify his sentence under 18 U.S.C. §
5 3582(c)(2) on the grounds that *Hughes v. United States*, 138 S.Ct. 1040 (2018) requires
6 resentencing. In *Hughes*, the Supreme Court addressed "whether a defendant may seek
7 relief under § 3582(c)(2) if he entered a plea agreement specifying a particular sentence
8 under Federal Criminal Procedure 11(c)(1)(C)." *Id.* at 1773. In this case, the plea
9 agreement stated that the Government will recommend that Defendant be sentenced to
10 288 months. However, the plea agreement did not provide for a particular sentence
11 under Rule 11(c)(1)(C). *Hughes* does not authorize modification of the sentence
12 imposed in this case. There is no portion of 18 U.S.C. § 3582(c) would permit this
13 Court to modify the sentence imposed at this stage in the proceedings.

14 IT IS HEREBY ORDERED that motion for modification of term of
15 imprisonment pursuant to 18 U.S.C. § 3582(c) filed by the Defendant Andres Chavez-
16 Chavez (ECF No. 888) is denied.

17 DATED: August 28, 2018

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19 **WILLIAM Q. HAYES**
20 United States District Judge
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